



Department of Defense DIRECTIVE

NUMBER 5530.1

August 22, 1983

Certified Current as of November 21, 2003

GC, DoD

SUBJECT: Acceptance of Service of Process

References: (a) DoD Directive 5530.1, subject as above, September 22, 1970 (hereby canceled)
(b) Rule 4, Federal Rules of Civil Procedure

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update DoD policy governing acceptance of service of process served on the Secretary of Defense and the Secretaries of the Military Departments.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD) and the Military Departments.

3. DEFINITION

Service of Process. When applied to the filing of a court action against an officer or agency of the United States, service of process refers to the delivery or, when appropriate, receipt by mail, of a summons and complaint made in accordance with reference (b) by serving the United States and by serving a copy of the summons and complaint by registered or certified mail to such officer or agency. It further signifies the delivery of a subpoena requiring a witness to appear and give testimony or of a subpoena requiring production of documents, or delivery of a subpoena for any other reason whether or not the matter involves the United States.

4. POLICY

It is DoD policy to accept service of process directed to the Secretary of Defense or a Secretary of a Military Department in his official capacity. Acceptance of service of process will not constitute an admission or waiver with respect to the jurisdiction or to the propriety of service.

5. RESPONSIBILITIES

The following responsibilities may not be redelegated:

5.1. The General Counsel, Department of Defense, shall accept service of process for the OSD.

5.2. The Secretary of the Army, or his designee, the Chief, Litigation Division, Office of the Judge Advocate General, shall accept service of process for the Department of the Army.

5.3. The Secretary of the Navy, or his designee, the General Counsel, shall accept service of process for the Department of the Navy.

5.4. The Secretary of the Air Force, or his designee, the Chief, General Litigation Division, Office of the Judge Advocate General, shall accept service of process for the Department of the Air Force.

6. EFFECTIVE DATE

This Directive is effective immediately.


PAUL THAYER
Deputy Secretary of Defense